

[Mr. K. Venkatareddi Nayudu]

[20th December 1922]

Clause 20—cont.

as much as we ought to have been able to show in substance it was because we had not powers enough and we had not machinery sufficient to deal adequately with the needs of the country. This Council has given this machinery and has given this power to the Government and all that I can say is that as long as I am here in this place, it shall be my earnest duty to carefully keep the provisions of this Bill in view and do everything that one can possibly do in trying to achieve the object which the Members of this House and myself have, namely, the industrial regeneration of this land."

The motion was put and carried. The Bill was passed into law.

(3)

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :

3-15 p.m.

"Mr. President, Sir, the House will remember that on the 13th November last I had the honour to present the report of the Select Committee which was appointed to report on the Bill to amend the law relating to survey of lands and settlement of boundary disputes and moved that the report of that Committee be taken into consideration. At that time some of the hon. Members pleaded that on account of the large number of motions that had been tabled and the short time given to them for studying the various amendments, most of them were unprepared to discuss them; and on behalf of Government I considered it only fair that while the plea urged was that of unpreparedness, I should raise no manner of objection at all. I, therefore, agreed that the further consideration of the Bill might be taken up at the next meeting of the Council and that is why, Sir, I move that the further consideration of the Bill to amend the law relating to survey of lands and settlement of boundary disputes be now taken up."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second the motion."

The motion was put and carried.

Chapter I—Clause 1.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "Sir, in clause 1 (1) the figure '2' has got now to be supplied after the figures '192'. This has been deliberately left out because we had no idea then as to when this Bill would be passed. I, therefore, move that the figure '2' be added to the figures '192'."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The motion was put and carried.

Clause 1 as amended was put, passed and added to the Bill.

Clause 2.

• Clause 2 was put, passed and added to the Bill.

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Clause 3.

Sub-clause (i).

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Mr. K. PRABHAKARAN TAMPAN :—

1. *Add the following as item (f) :—*

Any janmam land in Malabar which is subject to separate assessment to land revenue or cess payable to Government or any local body.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

2. *Add the following as sub-clause (ii) :—*

' Ryot ' means a ryot as defined in the Madras Estates Land Act, 1908.

Renumber the remaining sub-clauses from (ii) to (ix) as (iii) to (x).

Sub-clause (viii).

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move—

3. *After the words ' survey officer ' insert the words ' or the bunds or fences recognized in the survey '.*

" There are some natural bunds and fences. I had a talk with an officer of the Survey department and he said that it would be better to add these words. I therefore move this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : " Sir, I consider that the addition of these words is superfluous. While the hon. mover of this amendment has had the benefit of consulting some retired officer of the Survey department, I may assure him at the same time that I have consulted a number of officers working in the Survey department and they give me just the opposite opinion. Reading the clause as it is, it is obvious that the addition of any words at the end of it will be meaningless, inasmuch as what is stated is that it should be a ' mark, or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points '. I am inclined to think that the bunds or fences to which reference has been made in the proposed amendment will certainly come under the definition of ' mark ' or ' object ' which are mentioned in this clause. I do not see any necessity for burdening legislation with superfluous expressions. I cannot therefore accept the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" If the hon. Member thinks that there is no necessity for this amendment, I withdraw it."

The amendment was, by leave, withdrawn.

Clause 3 was put, passed and added to the Bill.

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Clause 4.

The following amendment was not moved and was therefore deemed to have been withdrawn :--

Mr. C. V. VENKATARAMANA AYYANGAR :--

4. *Add at the end the following :—*

‘ And may cancel such appointment by a special notification when found expedient ’.

Clause 4 was put, passed and added to the Bill.

Chapter II—Clause 5.

Mr. M. SURYANARAYANA :—“ Sir, I beg to move :

5. *Omit all the words occurring after the words ‘ such land ’.*

“ The object with which I move the amendment is this : Ordinarily when a survey of a ryotwari tract is ordered, or when a resurvey of a Government district is required, certainly there will be a demarcation boundary on every Government land which is being demarcated, and in the course of the demarcation it will certainly be necessary for the Government to demarcate the boundary between that land and any other land. But it often happens that in a zamindari estate there will be a lapsed inam which becomes the property of the Government. The question then arises as to the nature of the boundary and the officer to whom the powers are delegated, say the District Collector or the divisional officer or a survey officer, has to settle it ; and all the requirements in the Survey Act will be followed, that is, a summary procedure as laid down in the Act will be followed and not the ordinary procedure followed by the civil courts.

“ There is absolutely no reason why the rights of a party should be curtailed in the way in which the Survey and Boundaries Act does. In the ordinary course, the Government ought to fight out the question of boundary as between the Government and a private party and as between one private party and another. That is why I say that all the words occurring after ‘ such land ’ should be omitted, with a view merely to safeguard private interests when the question is only with regard to mere boundary.”

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ Sir, I am sorry I am unable to comprehend exactly the point of view of the hon. the proposer who has just spoken on this matter. If I understand the object of this Bill aright, it is, I take it, the determination of boundaries. Whether the boundary lies between two private owners or whether the boundary lies between one private owner and Government, all the same the surveying of that boundary and the determination of that boundary as such have to be done under this Bill. There is no other enactment, no other law in force under which the boundary between a private individual and Government can be surveyed or demarcated. This is the only provision under which the Government can take any action for the settlement of boundary disputes which may arise in respect of private holdings and their own lands. This provision has been in existence since the year 1897. The only thing that now seems to have attracted the special notice of the House appears to

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Clause 5—cont.

be that in the present Bill we have followed a particular procedure. Formerly there was a separate chapter devoted wholly and solely for demarcation of boundaries. We considered the existence of a separate chapter unnecessary. So we have abrogated absolutely that chapter from the existing Act. We have brought the survey of lands and the determination of boundaries on one and the same level and have incorporated the survey of land and demarcation of boundaries automatically, side by side, into every appropriate clause in the present Bill. That is why you find the words 'or of the boundary forming the common limit of Government land and land that is not Government land' appearing here. I would ask the House to point out to me whether there is any other provision under which Government can do it. Supposing there is a dispute between Government land and private land, supposing there is a dispute between a zamindari boundary and a Government boundary, under what provision of law, under what other Act, under what other statute can Government interfere for the purpose of determining what the boundary between the zamindari land and the Government land should be. If that clause is taken away from this enactment Government will be left absolutely powerless. The only consequence will be that in every such dispute, either the zamindar or the Government will be forced to go to court. I only appeal to the hon. the mover to consider whether it is his intention to drive the zamindar and the Government to court over every little dispute."

Mr. M. SURYANARAYANA :—"There are specific instances where, I am afraid, the Bill ought not to be used in favour of the Government. In the zamindari of Vizianagram there is a lapsed *inam* in regard to the boundary of which there is dispute as to whether the eastern boundary is the zamindar's patta land or Government land. It is only with reference to such points that the Government will be asked to go to civil courts and not proceed under the Survey Act."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "All that I can say is that if the result of the survey and boundary adopted by the Government in respect of the particular instance now referred to is found unsatisfactory, the zamindar or the proprietor of that *inam*, as the case may be, has got the same right as any other individual who comes under this enactment, to contest the determination of that boundary by the survey officer in a court of law for which elaborate provisions have been made in the subsequent clauses."

The amendment was by leave withdrawn.

Clause 5 was put, passed and added to the Bill.

Clause 6.

Sub-clause (1).

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to move—

6. *After the word 'notification' in line 19 insert the words 'in the district gazette and by beat of tom-tom in the village in which the land or the boundaries of which the survey has been ordered.'*

[Mr. T. M. Narasimhacharlu] [20th December 1922]

Clause 6—cont.

“My reason for this amendment is that this clause which provides for the publication of a notification, is unhappily very vague. It reads:

When any survey is ordered under section 5, the survey officer shall publish the notification inviting all persons having any interest in the land, etc.

The survey officer may publish a notification in Madras concerning a village in Ganjam. I think the notification must be more specific and precise.”

The hon. Sir CHARLES TODHUNTER:—“Sir, may I point out that the amendment is not properly worded, and the sense is incomplete for want of a verb in the relative clause?”

Rai Bahadur T. M. NARASIMHACHARLU:—“I do not wish to press my amendment.”

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—“Sir, I beg to move—

7. *After the word ‘notification’ in line 19 insert the words ‘in two successive issues of the district gazette and in the village or villages where the land to be surveyed is situate in such manner as may be prescribed.’*

“Sir, the object of this amendment is that the form of notification should be clearly expressed in the statute and not left to be provided for in the rules. I believe, Sir, my amendment is not open to the technical objection to which the amendment of my hon. friend Mr. Narasimhacharlu was exposed. With these words I move my amendment.”

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur: “Sir, I may at once state that these are matters which are always provided for by the rules. In the present Bill also power has been given to the Government to frame rules, and one of the clauses in the Bill itself covers a contingency of this description. When the rules are framed, it will certainly be up to the Government to consider, taking all circumstances into account, which will be the best, the most effective and the most useful method of publishing these notifications so that they may as far as possible reach all the individuals concerned.

3-45 p.m. “The General Clauses Act, with a view to remove the necessity of having to introduce into every enactment the specific mode of publication, has laid down that, whenever it is ordered in any piece of legislation that a notification should be published, it should be understood as meaning that that notification should be published in the official gazette of the province and of the district concerned. There are similar provisions in the District Forest Act and the Land Acquisition Act which merely mention the issue of notifications and leave the method, in which these notifications are to be issued and the manner in which they are to be made to reach the public at large, to the province of rules. Therefore, when we come to the stage of framing rules we shall certainly keep in mind the various suggestions that have been made by hon. Members in this House as to the manner in which these notifications are to be published. I hope that with this assurance the hon. mover will withdraw his amendment.”

Mr. B. MUNISWAMI NAYUDU:—“Sir, I know that the provision referred to exists in the General Clauses Act; and, if I remember rightly, when giving notice of this amendment, I looked into the General Clauses Act.

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Clause 6—cont.

But I think that in that Act it is stated that notification means notification in the *Fort St. George Gazette* but not in the *District Gazette*. But if the hon. the Revenue Member says that the section in the General Clauses Act defines notification as including a notification in the *District Gazette*, I may consider whether I can withdraw my amendment. I only want the hon. the Revenue Member's explanation and assurance on the point."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—" May I point out, Sir, that this is a matter which has to be considered later on under clause 26 (e) which makes provision for the publication of all notifications issued under this Bill, and for the form, issue and service of all orders, communications and notices? It comes under the rule-making powers of the Government and possibly hon. Members may consider it at the time we come to clause 26 (e)."

Mr. A. RANGANATHA MUDALIYAR :—" I think, Sir, all ambiguity will be removed if the words 'in the prescribed manner' are inserted between the words 'notification' and 'inviting'. In that case the whole of the trouble we are now trying to solve will disappear. We can consider what to prescribe when we come to clause 26 (e)."

Mr. T. SIVASANKARAM PILLAI :—" My hon. friend, Mr. Ranganatha Mudaliyar, says that the insertion of the words 'in the prescribed manner' will remove the trouble. I may say that this suggestion forms the subject of a different amendment (No. 9 on the Agenda) which stands in the name of Mr. A. S. Krishna Rao."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "I shall have no objection, Sir, to add the words as proposed, but I consider them absolutely unnecessary. For everything has to be done in the prescribed manner, and there is a separate clause [clause 26 (e)] which makes it incumbent on the Government to prescribe the manner in which every process has to take place under the Bill. But if it is the desire of the House that the words 'in the prescribed manner' should be added after the word 'notification', I have not the least objection."

Mr. B. MUNISWAMI NAYUDU :—" Sir, it has been explained that in clause 26 (e) of the Bill there is a provision for rules for the publication of all notifications, etc., issued under this Bill. But the object of this amendment is to make it more specific. The object of my amendment is that the notification should not only be published in the *District Gazette* but also that it should be given wide publicity in the villages affected by beat of tomtom or otherwise. Secondly, the way in which that notification is to be published is stated in my amendment to be made in such manner as may be prescribed. So that if this amendment is accepted, clause 26 (e) of this Bill will come into operation and we can then prescribe the method. In view of the very extraordinary effect which is proposed to be given under this Bill to the decisions of the survey officer, namely, that they cannot be set aside after one year, etc., I think it is absolutely necessary that a definite statement should be made in the Bill itself as to the manner of publication of the notification in the villages. I hope that for these reasons the hon. the Revenue Member will accept my amendment, though he may think that the addition of the words will be unnecessary, as another executive rule may be passed to give effect to it under clause 26 (e)."

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Clause 6—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
 “All that I have been asked to say, Sir, is that I should accept the suggestion that the notification should be published in the District Gazette. We know that there is a village sheet attached to the District Gazette. That village sheet goes to the village officer, and the village officer has to fix that village sheet on the village chavadi. We know the whole process incidental to village organization. The hon. mover merely asks that I should agree to the publication of the notification in the District Gazette. But I have said already that if the words ‘in the prescribed manner’ are added after the word ‘notification’, when the Government make rules under section 26 (e) and lay them on the table of this House, as is provided for in that clause, I shall surely be prepared to consider the question that the notification shall be given wider publicity than what probably my hon. friend now suggests. I hope this assurance will satisfy the hon. mover.”

Mr. B. MUNISWAMI NAYUDU :—“After the assurance given by the hon. the Revenue Member that in the rules to be framed by Government he would give effect to the proposal contained in my amendment, I beg to withdraw my amendment.”

The amendment was by leave withdrawn.

Mr. A. RANGANATHA MUDALIYAR :—“I formally move, Sir, that the words ‘in the prescribed manner’ may be added after the word ‘notification’.”

Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“I accept the amendment.”

The amendment was put and carried.

Mr. S. ARPUDASWAMI UDAYAR :—“I am not very particular about moving the amendment which stands against my name, and which runs as follows :—

8. After the word ‘notification’ in line 19 insert the words ‘in the district gazette a copy of which shall be put up in a conspicuous place, the taluk cutchery or the village chavadi, as the case may be, and communicated by beat of tom-tom.’

“I would only ask the hon. the Revenue Member not to forget a very important point, i.e., the notification by beat of tom-tom. The villagers are so very ignorant that all these things have to be hammered into their ears by tom-tom, and I believe that the hon. the Revenue Member will make provision for giving such publicity.”

The amendment was therefore deemed to have been withdrawn.

The following amendments were not moved and was therefore deemed to have been withdrawn :—

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

9. For the words ‘publish a notification inviting’ substitute the words ‘give notice in the prescribed manner to.’

Sub-clause (2).

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

10. Omit this sub-clause.

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Clause 6—cont.

Mr. M. SURYANARAYANA :—

11. *After the word 'boundaries', insert the word 'thereof' and omit the words 'of which the survey has been ordered'.*

New sub-clause.

Mr. M. SURYANARAYANA :—“Mr. President, Sir, I beg to move the following amendment :—

12. *Add the following as sub-clause 3 :—*

'Such notification shall further require all registered holders of the lands about to be surveyed—

(a) to clear within a period specified, by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of the survey;

(b) to provide labour at such times and for such periods, as may from time to time be required by furnishing flag-holders and chainmen;

(c) to provide suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Act or the rules made thereunder.

Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice under the Madras Estates Land Act.'

“Hon. Members will notice that this new sub-clause is practically section 6 of the old Act—I suppose I am entitled to call it an old Act, for it is bound to become an old Act perhaps in a few hours. The old Act provided that a notification requiring a survey should further require all registered holders of the lands about to be surveyed—(a) to clear, within a specified period, by cutting down or removing, any trees, jungle fences, standing crops or other material obstructions, etc., as stated in the new proviso for the addition of which I am now moving this amendment. This provision has been omitted in the new Bill, and the hon. the Revenue Member has been pleased to tell us in the Statement of Objects and Reasons appended to this Bill that he did so because under the old Act this provision was not working very well. This explanation to my mind does not appear to be very satisfactory. I really do not see how Government work can be handicapped by reason of the fact that a notification is also issued requiring the registered holders to clear the jungles or to provide survey stones. We all know very well, and it is a matter that does not require any discussion, that the cost of anything, when done by the Government, will be infinitely more than the cost of the same thing when done by private agency. I am quite sure that the cost of the survey stones supplied by the Survey Department will be far higher than when they are supplied by ourselves. Registered pattadars are in most of the cases ryots of ryotwari holders. Being ryots themselves, they can command good cattle; they have also labour facilities, for they have under-tenants and sub-tenants; and they can furnish as many carts as may be required by the survey officer. They can also get jungles cleared and obtain such labour as may be necessary for the survey officer. This will certainly involve a cost far lower than it will eventually be if the Government got the work done.

[Mr. M. Suryanarayana]

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Clause 6—cont.

According to the next clause, the cost, if any, of the labour employed and of the survey marks used in any survey notified under section 5, will be determined and apportioned among the persons who have any interest in the land or in the boundaries of which the survey has been ordered. This means that all the cost will eventually be borne by the pattadars, and it will certainly be far greater than what will cost them if the work is allowed to be done by themselves. I do not also believe that the Government will lose in any way, for after all, if the registered pattadar does not, within the period prescribed by the survey officer, do the things required from him, the Government can certainly get the work done and then they will be able to recover the cost from the pattadar. I do not therefore see how the Government will be hampered in any way. It must be conceded that between the date of the notification of the survey and the date when the actual survey operations commence, there will be some time, and if, within this time, the registered holders do not supply the necessary things, the Government can get the work done itself. I do not see any reason which can come in the way of section 6 of the old Act being re-enacted in this Bill. I therefore commend this new sub-clause to the favourable consideration of the House."

Mr. R. SRINIVASA AYYANGAR :—"I second this amendment, Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :

4 p.m.

"I would only urge that it is rather wrong to imagine that this Bill in any way prohibits the supply by the landholder concerned of either stones or labour, for the conduct of the survey, for the intention of this new clause proposed by my hon. friend opposite evidently is for the purpose of enabling the landholder to do so. It is true, Sir, that in the original draft of the Bill which was placed before the Select Committee the words in clause 8 did not convey any interpretation whereby it could be inferred that survey stones or labour could be supplied by the landholder himself. For, the original Bill merely contained the words

the cost of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned . . .

"The Select Committee, who very carefully examined this Bill, I confess, took the same view as the hon. the mover has now taken and were of opinion that it would be fair to give every opportunity to the landholder to supply stones and labour in the first instance if he was so inclined to do, and that it was only when he failed to do so that the officer responsible for the survey should step in and do the needful. For, the survey processes cannot be prolonged until it pleases a particular landowner to provide a couple of coolies or to dump down a couple of stones. So they very wisely added the words *if any* after the word 'cost'. Then again, they translated their intention into action by laying down in clause 26 (f), an obligation on the Government to frame rules for the purpose of regulating the furnishing of survey marks, labour and such materials as are necessary to surveys notified under the Act. Therefore, Sir, reading the addition made by the Select Committee in clause 8 and the provision which exists in clause 26 (f) whereby the Government have to frame rules for the purpose of enabling landowners, who are so minded, to supply stones and labour, I think a separate clause by itself is absolutely unnecessary."

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Clause 6—cont.

Mr. T. SIVASANKARAM PILLAI :—“Sir, I had occasion to explain the provisions of this Bill to the villagers in the several places I visited, and all of them are anxious that something definite should be provided for in the Bill or under the rules to call upon the ryots concerned to supply the labour or the stones so that they may themselves do it without any cost. Since the hon. the Revenue Member has promised that this will be considered while framing the rules, I only wish to urge that whatever is suggested in these amendments may go bodily into the rules, and request that he may remember this and make the rules as elaborate as possible.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “Oh, yes. I will not forget the 20th of December in any case.”

Mr. M. SURYANARAYANA :—“In the Statement of Objects and Reasons in paragraph 4 we find :

The arrangements defined in the Act, under which any particular landholder may supply labour and stones, are not really workable, and therefore it is proposed in future that Government should pay the initial cost of all surveys and recover it.

“It is therefore an express provision. But when the Bill went to the Select Committee, the hon. the Revenue Member says, the words ‘if any’ were advisedly put in there to meet a contingency such as that I have mentioned. But I beg to draw the attention of the hon. the Revenue Member to the fact that in the notes of the report of the Select Committee on clause 6, we do not find that the words ‘if any’ were inserted with that object. They say :

We have considered the adequacy of notification under section 6, but it has been pointed out to us that during the operations of settlement both before and after survey every endeavour is made to ascertain the real owners of land.

“It is only for that reason that the Select Committee was actuated to introduce the words, ‘if any.’ In the absence of a positive assertion by the hon. the Revenue Member in the Statement of Objects and Reasons stating the reason why clause 3 has been omitted, I am afraid it will not be possible for us to conclude that it will be possible for the ryotwari pattadars to contribute labour and furnish stones. The hon. the Revenue Member told us that under clause 26 (f) it would be possible for rules being made to regulate the furnishing of survey stones, labour and materials required under this Act. It is certainly open to the Government to make rules for the purpose of furnishing survey marks. But by whom? Not by pattadars. The rules need not necessarily say anything with regard to the manner in which the pattadars or registered holders should supply those things. There is absolutely nothing in the Bill to say that it is the pattadar that should be asked to do it. The Government, in framing rules, may say that there is no provision in the Bill and make rules for the furnishing of survey marks. It is only to guard against this that I brought forward my amendment; otherwise I should certainly not be very particular about pressing it. My only object is to see that the work is left to be done by the pattadar in the first instance, and if not done by him, by the Government.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “We have every intention to enable the ryots to supply their own labour and stones, and that question will certainly be borne in mind when the rules are framed.”

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Clause 6—cont.

Mr. A. RANGANATHA MUDALIYAR :—" May I say a word, Sir? The hon. the Revenue Member, I think, has indicated to us that when it is left to him he will certainly frame rules in the manner recommended by the hon. the mover. I wish, Sir, that these provisions are incorporated in the Bill itself instead of being left to rules and regulations which will be framed and modified not by this Council but by the Local Government. This is too serious a matter, I think, to be left to the caprices and whims of one or two of the members who constitute the Government. I would rather urge, Sir, that the provisions are embodied in the Bill itself. The hon. the Revenue Member referred now to the notifications that are issued in the district gazette and in the village chavadi where a sheet is to be hung up. I would ask the hon. the Revenue Member how often, during his tours, he found such notifications in the village chavadi. I do not think he has found many. Therefore, the provision is quite necessary.

" More important still is the last clause which says :

Provided that in every case, in which the registered holder can be ascertained, a special notice shall, in addition, be served on him, in the manner provided for service of a notice

" I have not much objection in regard to other methods of publicity, but this provision which insists upon a special notice being served upon the person is one which will bring to the knowledge of the person concerned the survey to be conducted, and therefore it is very important. I think that every opportunity should be given to the poor ryot to provide the materials himself whenever it is possible for him to do so, rather than do things behind his back and force him to pay an express sum of money."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am really unable to understand the position of the hon. Member in charge of the Bill. This particular proviso which my friend, Mr. Suryanarayana, wishes to see included in clause 6 was in the old Act. It is part of the survey notification. The hon. Members will notice under clause 6 :

the survey officer shall publish a notification inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend at the time of the survey.

" and the further proviso to that clause in the Act which prescribes how such notifications should be sent to all the registered holders and that notices should be served on them so that they may be present and assist the survey officers at the time of the survey. Such being the fact, I do not quite understand why this has been omitted in the present Bill."

Rai Bahadur T. M. NARASIMHACHARLU :—" As the hon. the Revenue Member has assured us that this point will be remembered while framing the rules, I think, Sir, we may rest assured that it will be done so. But if it is not done, under section 26, sub-clause (3), the rules that will be made will be laid on the table of the Legislative Council for a period of not less than two months while the Council is in session. If these rules do not incorporate the promises made by the Revenue Member, I think the time will come when we shall catch him. Then we can amend the rules ourselves and see that provision is made for the landholders to supply materials. I

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Clause 6—cont.

think, Sir, that this kind of provision was not in the old Bill. Now that he has promised to incorporate it in the rules, when the rules are placed before us without that provision, we can point out that his promise has not been fulfilled."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am afraid the hon. Member, Mr. Narasimhacharlu, has not exactly realized the supposed undertaking given by the hon. the Revenue Member. The hon. the Revenue Member did not state that he would incorporate that provision in the rules but simply stated that he would remember the suggestion and the discussion of the 20th December. Therefore let us not proceed on the basis that he will incorporate it in the rules and that it is unnecessary for us to accept this amendment.

"Again, Sir, I wish to point out that it is not a correct principle to allow all questions of importance to be relegated to the rules. We have been very free in giving the rule-making power to the Government. But the correct principle is to restrict it as much as possible and provide it only for matters of detail where we cannot come to a correct understanding all at once. There has been a fairly large amount of opinion in favour of this clause so that it is absolutely essential that this should be incorporated in the Bill itself. I think that, if we leave it to the rules, we shall be practically relegating our function to some other body over which we have not that amount of control as we imagine, and we shall have to regret later on. For these reasons, I think that this amendment should be supported."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—"Sir, I am not able to understand the object of the mover of this amendment. 4-15 p.m. Whatever is contained in this amendment will come under clauses 26 (e), (f) and (g). All that the amendment requires is that provision should be made for suitable survey marks or otherwise to give such assistance in the survey as may reasonably be demanded under this Bill or the rules made thereunder. Such notification further requires all the registered holders of the lands about to be surveyed to clear the trees, bushes, etc., within a period specified. In my opinion these things have to be relegated to the proper place, namely to the rules. These are not substantial portions of the legislation and therefore they should go into the provision relating to rules."

Mr. M. SURYANARAYANA :—"Sir, as suggested by my hon. friend, Mr. Krishna Rao, I think it is far better that provisions of this sort are embodied in the Bill itself and not relegated to the rules. I therefore press the motion."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I have already replied, Sir, that I would bear this in mind when framing the rules. I think provisions of this sort should be embodied in the rules and not in the body of the Bill."

The amendment was by leave withdrawn.

Clause 6, as amended, was put, passed, and added to the Bill.

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Clause 7.

The following amendment standing in the name of Mr. Suryanarayana was not moved and was therefore deemed to have been withdrawn :—

13. (a) *Number the existing clause as sub-clause (1).—*

(b) *Add the following as sub-clause (2) :—*

‘If any person fails to comply with any requisition made by a survey officer under section 6, sub-clause (a), (b) or (c) of clause 3 and clause 4 of the same section the survey officer may employ hired labourer for the purpose of the survey or provide himself with suitable survey marks, as the case may be.’

Clause 7 was put, passed and added to the Bill

Clause 8.

Mr. M. SURYANARAYANA :—“ Sir, I beg to move the following amendment :—

14. (a) *After the word ‘apportioned’ in line 38, insert the words ‘in the prescribed manner.’*

(b) *Delete the words ‘in the prescribed manner’ in line 41.*

“ The object is that the determination and the apportionment of the cost of the survey should be in the prescribed manner. As the clause now stands, the words ‘in the prescribed manner’ may relate to the survey and not to the apportionment of the determination of the cost of survey. With a view to clear this ambiguity I have suggested the above amendment.”

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur accepted the amendment.

The amendment was put and carried.

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, clause 8 says :

The cost if any of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned among the persons who have any interest in the land.

“ Sir, if a taluk is to be surveyed, how are they going to calculate the cost ? I expect that the entire cost will be made up of the value of the stones used and the cost of the labour utilized. I suppose all that will be taken as a lump sum. If that be the case, I should like to know how they are going to distribute the amount among all the registered holders. It may be that some men have provided their own labour and furnished their own stones. How are these people going to be helped for the work undertaken by them. If the taluk happens to be the unit, or the village for the matter of that, I do not know, Sir, how this apportionment of cost is going to be effected.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : “ I shall merely draw the attention of the hon. Member to the words ‘in the prescribed manner’ in line 41. How the recovery has to be made will be prescribed. I shall also draw the attention of the hon. Member to clause 26 (f) which says :

The Local Government may make rules regulating the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable.

“ Probably the hon. Member himself knows how these charges are collected at the present moment. At the same time I quite confess that I am not satisfied with the way in which calculations have been made in the past,

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Clause 8—cont.

because that method has left a large amount of outstandings to be collected now. The question of bringing about a better state of things in the matter of adjustment of these amounts is engaging my attention and I assure the hon. Member that proper rules will be framed to regulate the apportionment of cost."

Clause 8 was put, passed and added to the Bill.

Clause 9.

Mr. M. SURYANARAYANA :—"Sir, I beg to move the following amendment :—

15. Delete this sub-clause ;

or (if the above amendment is not carried by the Council), after the word 'decision' in line 52 insert the words 'together with a sketch'.

"I do not intend to pursue the amendment so far as the deletion of the clause is concerned. I shall therefore proceed with the second alteration that I have suggested namely the insertion of the words *together with a sketch*. Hon. Members will notice that under clause 10 when a boundary is in dispute, the survey officer, after making an inquiry, will pass a decision and a copy of the decision will be communicated to the party concerned together with a map. I do not see any reason why an absentee pattadar—an *ex parte* ryot as we would call him in a civil suit—should not be supplied with a copy of the decision and a copy of the plan also. It seems to me that it is but fair that he should get notice of the manner in which the survey has been conducted and also get a copy of the map along with the decision in the same way as he will get a copy of the decision under clause 10."

Sriman SASIBHUSHAN RATH Mahasayo seconded the amendment.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : "Sir, I am not sure if the hon. Member realizes what he is bargaining for. I believe my hon. friend has an idea of the total number of holdings that are surveyed in a particular district when a survey party is operating there. If he is not already aware of the number of undisputed cases in each district, I may tell him at once for his information that it is only in 3 per thousand of the cases there are disputes and in the remaining 997 cases there are no disputes at all. If the hon. Member's suggestion is accepted, we shall be obliged to supply to several lakhs of pattadars in a district a copy each of the plan in respect of the boundary which has been surveyed and this means an equal amount of expenditure which I am quite sure the Council will not have the large-heartedness to vote for. Then again the hon. Member has drawn our attention to the fact that whereas there is provision in clause 10 for the grant of a copy of the decision with a map, the same has been eliminated from clause 9. The hon. Member took great care to stop at the particular part of the clause which was in his favour and omitted to read the last few words. The last few words are : *on his application and at his cost*. If it is the intention of the hon. mover of this amendment that in case of a determination under clause 9 also the party should be supplied with a copy of the decision *on his own application*

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Clause 9—cont.

and at his cost, then I shall have the least objection to adopt that suggestion. I took into consideration the number of amendments which have been tabled on clauses 9, 10 and 11 with regard to the grant of copies, the issue of notice and the decision of the survey officers, and, with a view to carry out the intentions of the various hon. Members in a compendious form, I propose to move an amendment, the draft of which I now have in my hands. I shall move that amendment after clause 11 is passed. The amendment which I intend moving runs thus :

Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.

A copy of the order under sections 9, 10 or 11 and a copy of the map recording the boundaries as determined under sections 9, 10 or 11 (1) shall be furnished to any person interested in such order as the case may be on his application and at his cost."

MR. M. SURYANARAYANA :—" Sir, as the hon. the Revenue Member stated the majority of cases will be *ex parte* cases and therefore how is a pattadar to know the exact date when a particular decision was given and when the demarcation was made in a particular manner. With a view to enable him to prefer an appeal under clause 11 within the prescribed period, it is necessary that he should be furnished with a copy of the decision under clause 9. Even under clause 9 a person against whom an order has been passed has the right of appeal; but how is he to appeal unless he has notice of the fact and of the manner in which the demarcation has been made? It is therefore necessary that the party should be informed of the decision."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur : " Sir, I may point out that clause 9 (2) definitely lays down :

Notice of every decision of the survey officer under section 9 (1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

" If it is a disputed case it is governed by clause 10 ; if it is an undisputed case it is governed by clause 9. The decision of the survey officer, whether it is based on disputes inquired into or on cases not disputed, should be communicated to the landholder concerned. Inasmuch as we have provided for the communication of the decision even in undisputed cases, the party has the right to submit his appeal under clause 11. Clause 11 clearly says that a person affected by a decision under clauses 8, 9 or 10 may appeal to the prescribed officer. We have made it obligatory on every survey officer to communicate his decision in every case, both when the dispute has been enquired into and when there has been no dispute. Under these circumstances, I hope the hon. mover will not press his amendment."

The amendment was by leave withdrawn.

Clause 9 was put, passed and added to the Bill.

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Clause 10.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Sub-clause (1).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

16. *For the words 'such inquiry as he considers necessary' substitute the words 'an inquiry in the prescribed manner'.*

Mr. C. V. VENKATARAMANA AYYANGAR:—

17. *For the words 'after making such inquiry as he considers necessary' substitute the words 'after making inquiries in the prescribed manner'.*

The following amendment standing in the name of Mr. S. Arpudawami Udayar was deemed to have been withdrawn as the Member was not in his place:—

18. *After the word 'necessary' in line 7, insert the words 'and after carefully going through the documents produced and the maps and records of the previous survey, if any.'*

Sub-clause (2).

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Mr. C. V. VENKATARAMANA AYYANGAR:—

19. *For the word 'Notice' substitute the word 'Purport'.*

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB
Bahadur: "I ask, Sir, that in clause 10 (2) the last sentence be
4-30 p.m. omitted; for, I want to bring everything under one category.
If this is accepted, I shall move my amendment to clause 11 presently. The
following is the sentence I propose to omit:

A copy of the order and of the map recording the boundaries as determined shall be furnished to any of them on his application and at his cost."

The hon. Sir CHARLES TODHUNTER:—"I second it."

The motion was put to the House and passed.

Clause 10 as amended was put, passed and added to the Bill.

Clause 11.

Mr. M. SURYANARAYANA:—"The motion that stands in my name runs thus:—

Add at the end the words 'and the appellate authority shall also communicate his order on appeal to the party concerned.'

"The object with which I tabled this amendment was to enable the party who had to submit an appeal against an order under sections 8, 9 or 10 to obtain a copy of the decision to enable him to file a suit under clause 14. I know that clause 13, as it is, prescribes a period of one year from the date of the final publication of the notice in the gazette with regard to the conclusion of the survey. Instead of that we can have the order of the appellate authority communicated to the party concerned just as an order under clause 10 which lays down that 'notice of every decision of the survey officer under section 10 (1) shall be given in the prescribed manner to the parties to the

[Mr. M. Suryanarayana]

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Clause 11—cont.

dispute and other registered holders of the land the boundaries of which may be affected by the decision. Similarly, there is absolutely no reason why a notice of the decision under clause 7 should not be given to the party."

Mr. T. C. SRINIVASA AYYANGAR :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I imagined that on a previous motion when I had made my position somewhat clear I had stated that I was myself going to propose an amendment to this clause with a view to carry out the intentions of the various hon. Members who have given notice of amendments. So, my proposal now is to substitute the following for the existing clause :—

' Any person affected by a decision under sections 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be.'

" I have merely transposed a few words so as to be in accord with the desire of the hon. Members."

Mr. M. SURYANARAYANA :—" Sir, in view of the amendment the hon. the Revenue Member is proposing, I beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Rai Bahadur T. M. NARASIMHACHARLU :—

Add the following as a separate paragraph :—

' Notice of the decision of the appellate authority shall be given in the prescribed manner to the parties to the dispute and other registered holders of the land, the boundaries of which may be affected by the decision.'

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Mr. President, I beg to move :—

In clause 10 (2) omit the second sentence.

For clause 11 the following shall be substituted :—

11. (1) *Any person affected by a decision under section 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the Survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 9 or 10 as the case may be."*

The hon. Sir CHARLES TODHUNTER :—" I second it."

The motion was put to the Council and agreed to.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" For the reasons I have already explained and in fulfilment of the promise I have already made I beg to move that the following be added as clause 11 (2) :—

A copy of the order under section 9, 10 or 11 and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be

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Clause 11—cont.

furnished to any person interested in such orders as the case may be on his application and at his cost."

The hon. Sir CHARLES TODHUNTER :—" I second it."

Mr. M. SURYANARAYANA :—" I propose that the words ' and at his cost ' in clause 11 (2) be omitted. It seems to me that since it does not cost much to the Government and since it is inconvenient to the parties to go and wait at the Survey office to get copies of the decisions, etc., it is very desirable that the parties should not be asked to pay the cost of copying, etc. It is only a small piece of paper."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am quite prepared to be charitable if the House is charitable. I may at once tell the House that I shall have to pay a heavy bill if I am asked to entertain the required establishment for the purpose of taking copies of every one of the maps, etc., and furnish them in all uncontested cases. I may inform the House that 99·7 cases out of 100 are uncontested and in a very large percentage of these cases the parties may not care how the boundary has been settled and what decision has been made. If I am asked to furnish automatically a copy of the map, etc., in all these cases too, I may tell the House that it will mean lakhs of rupees in the survey budget, estimates and that the House cannot afterwards find fault with me for being extravagant."

Mr. M. SURYANARAYANA :—" I believe that in 99 cases out of a hundred the parties do not apply for copies of maps, etc. If you will permit me, Sir, I will propose the deletion of the words by moving an amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am sorry, Sir, that I cannot accept it. I wish
4·45 p.m. to warn the hon. Member once more that it will be very difficult for the officer concerned to know in what cases an appeal will actually be preferred."

The hon. the PRESIDENT :—" If the hon. Member wishes to press his point, he must formally move his amendment."

Mr. A. RANGANATHA MUDALIYAR :—" I rise to ask the hon. Member, Mr. Suryanarayana, not to move his amendment. For the House will have power to look into the rules when they make the regulations. I think my hon. friend may have his chance then if he wishes to incorporate his idea into the Bill. I would now request him, Sir, with your permission, not to move it."

Clause 11 (2) as proposed by the hon. the Revenue Member was put to the House and carried.

Clause 11 as amended was put to the Council and carried, and added to the Bill.

Clause 12.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move

For the word ' two ' in line 31 substitute the word ' three '.

"The effect of the amendment would be that the time for preferring an appeal would be extended from two to three months. Hon. Members of the Council are aware that questions affecting boundary disputes are complicated

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Clause 12--cont.

and will take some time before one can ascertain exactly what the difficulties are and how to meet them. A period of two months is too short in the case of these appeals and I suggest its extension to three months. We also know that in various cases in revenue matters the ordinary period of appeal, except in the case of appeals to the Collector, is three months, and I do not see any reason why in a complicated matter like this the period should be reduced to two months. We also find that it will take some time before one can get oneself acquainted with the facts of the case. Again, the parties may be in different villages and it may take time for communication of orders to them. In these circumstances, I move for the extension of the period."

The hon. the PRESIDENT:—"The hon. Member, Mr. Krishna Rao, proposes the amendment only in one line of the clause. The next amendment proposes to insert 'three months' for 'two months' in the clause wherever the words occur. I think it better to take up the second amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I then withdraw my amendment, Sir."

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU:—"Sir, I beg to move

For the words 'two months' wherever they occur in this clause substitute the words 'three months'.

"Sir, the object of this amendment is to provide for sufficient time for preferring appeals. The survey parties to whom we have to apply for copies go from village to village and district to district and it takes much time for the application to reach them. Moreover, we do not know to which officer the application should be made and in many cases when we apply for copies, the memorandum is returned to be sent to some other officer. It takes some time at the outset even to apply for a copy. And though there is a provision made that time taken in applying for a copy may be excluded, some time is lost in knowing to which officer to apply. To meet this difficulty, I move that the period of two months be raised to three."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I hope there is no impression anywhere that the intention of the Government in the curtailment of the period of appeal was to prejudice the rights of appellants. On the other hand, the intention was, as far as possible, to help them. In the Bill we had entered only one month as the period within which an appeal should be preferred. We did this deliberately on non-official advice. Before fixing the period under this clause, we asked the Board of Revenue to obtain non-official opinion throughout the provinces as to what the feeling was regarding the period of appeal. The Board of Revenue consulted as many as 65 non-official gentlemen in the provinces. Fifty-five of them were distinctly of opinion that it would be to the interests of the ryots if the appeal was preferred and heard within as brief a period as possible after the decision of the survey officer. It may probably look anomalous how it can be to the advantage of the ryot. May I explain how it is? The Survey department is working in a particular district; it takes its own time for the completion of its preliminary operations. When it

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Clause 12—cont.

has finished these operations, it serves notices on the parties communicating to these parties the result of the operations. If the parties are allowed longer time than is now permissible for preferring the appeal, the chances are that the particular set of officers who have conducted the preliminary investigations are no more in the district; they have gone somewhere else; they are certainly neither in nor about the locality concerned. So, the longer the time allowed to them, the greater the inconvenience, the greater the trouble and the greater the expense to the parties. Fifty-five non-official gentlemen have expressed the opinion strongly that it will be preferable that the appeals are heard by the survey officers in or near the village and for this it will be desirable that the period of appeal should be curtailed as much as possible. In the original draft of the Bill we fixed one month. The Select Committee examined every provision with almost a searchlight and they considered that one month was too short and raised it to two months. What are the safeguards at the present moment in the clause itself? The period occupied for the purpose of taking copies is excluded. Not only that. In the second proviso we have also distinctly and definitely stated that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period. We have not shut the doors deliberately against the appellants. We have given the appellant two months' period to begin with. This has been, as I said, in deference to the non-official opinion. That is clearly to the advantage of the party himself for he will have the advantage of the same officer who has conducted the preliminary investigations being at his door and if the appellate authority thinks it necessary to go once more to the spot and see whether the original fixation of the boundary is correct or not, the officer is there available. One morning he rides on his horse, goes to see it and verifies it for himself. But if he has left the place and if he has gone from Salem to Vizagapatam, you surely cannot expect the party to be running after the survey officer. If the survey officer in Vizagapatam hears the appeal do you expect the party to be satisfied with the decision? With a view to make it as much as we can a factor in favour of the appellant, we have fixed the period at two months. One more fact I may add. If a party is not going to take advantage of two months for the purpose of preferring an appeal and if the survey officer's decision has really affected his interests and if he is eager to prefer an appeal, I am not sure whether the extension of the period by one month more will be of great help to him. Nor am I quite sure whether the two months' time will seriously impair the chances of the appellant. For all these reasons, I think the action of the Select Committee in having raised the period to two months is sufficiently liberal and I see no reason for further increasing it."

Mr. A. RANGANATHA MUDALIYAR:—"I cannot help feeling that the eloquence of the hon. the Revenue Member might have been spent on a better cause. If the hon. the Revenue Member really wants that the disputes should be decided as early as possible, I would suggest to him that the officers who are responsible for communicating the orders and the officers responsible for granting copies when applications are made must not take unnecessarily long time. The difficulty has always been in obtaining copies. If the hon. Member takes the trouble of investigating the dates when the

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Clause 12—cont.

applications are made and the dates when copies are granted, he will find, Sir, that copies are granted not only after the officer in Salem has gone to Vizagapatam, but also after he has gone to the other world. I would like the hon. Member to put more pressure on his subordinates and see that they do not waste time in communicating the decisions or in granting copies. The difficulty comes in in the case of absentee landowners. It is just conceivable that they may not get the notices in time. The hon. the Revenue Member seems to think that the parties would like to sleep even when their interests have been decided against them. It is not so. As soon as the man comes to know of it, he will certainly prefer an appeal. No doubt there is provision that if the appellate authority is satisfied that the delay is excusable, it may be condoned. But we know too well how the magistrate comes just a minute before time, calls the party thrice and disposes of the case. So is the case with the income-tax officers. So, I think the House will be well advised in pressing for the extension of the period. No doubt some non-official members have indicated their opinion in favour of a short period. But if any one like my hon. friends, Mr. Muniswami Nayudu or Mr. Krishna Rao, had been deputed to ascertain the non-official view, they would have found many gentlemen saying that the period should be extended to three months."

The House adjourned to meet at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS